

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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| BARBARA JEAN RUTH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:10-CV-123 |
| |) | (VARLAN/GUYTON) |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on April 28, 2011 [Doc. 24]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that the defendant's motion for summary judgment be granted that the plaintiff's motion for judgment on the pleadings or, alternatively, for remand to receive and consider additional evidence be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 24]. Additionally, it is hereby **ORDERED** that defendant's

motion for summary judgment [Doc. 22] is **GRANTED** and that plaintiff's motion for judgment on the pleadings or, alternatively, for remand to receive and consider additional evidence [Doc. 15] is **DENIED**. Defendant Commissioner's decision in this case denying plaintiff's applications for supplemental security income and disability insurance benefits is **AFFIRMED**. The case is **DISMISSED**, and the Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE